

(2) RSPA's Office of the Chief Counsel (OCC) is available to answer questions concerning Federal hazardous material transportation law, 49 USC 5101 *et seq.* and Federal preemption of state, local and Indian tribe hazardous material transportation requirements. OCC may be contacted by telephone (202-366-4400) from 9:00 a.m. to 4:00 p.m. Eastern time, Monday through Friday, except Federal holidays. Information and guidance concerning Federal hazardous material transportation law and preemption may also be obtained by contacting OCC via the Internet at <http://rspa-atty.dot.gov>.

(b) *Availability of Written Interpretations.* (1) A written regulatory clarification, response to a question, or an opinion concerning hazardous materials offering, transporting, or packaging requirements may be obtained by submitting a written request to the RSPA Office of Hazardous Materials Standards (DHM-10), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. The requestor must include his or her return address and should also include a daytime telephone number.

(2) A written interpretation regarding Federal hazardous material transportation law, 49 USC 5101 *et seq.*, may be obtained from the Office of the Chief Counsel (DCC-1) RSPA, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001. The requestor must include his or her return address and should also include a daytime telephone number.

[62 FR 24057, May 2, 1997; 62 FR 34415, June 26, 1997]

Subpart B—Exemptions

SOURCE: Amdt. 107-38, 61 FR 21095, May 9, 1996, unless otherwise noted.

§ 107.101 Purpose and scope.

This subpart prescribes procedures for the issuance, modification and termination of exemptions from requirements of this subchapter, subchapter C of this chapter, or regulations issued under chapter 51 of 49 U.S.C.

§ 107.105 Application for exemption.

(a) *General.* Each application for an exemption or modification of an exemption must be written in English and must—

(1) Be submitted in duplicate and, for timely consideration, at least 120 days before the requested effective date to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001. Attention: Exemptions, DHM-31;

(2) State the name, street and mailing addresses, and telephone number of the applicant; if the applicant is not an individual, state the name, street and mailing addresses, and telephone number of an individual designated as an agent of the applicant for all purposes related to the application;

(3) If the applicant is not a resident of the United States, a designation of agent for service in accordance with § 107.7 of this part; and

(4) For a manufacturing exemption, a statement of the name and street address of each facility where manufacturing under the exemption will occur.

(b) *Confidential treatment.* To request confidential treatment for information contained in the application, the applicant shall comply with § 107.5(a).

(c) *Description of exemption proposal.* The application must include the following information that is relevant to the exemption proposal:

(1) A citation of the specific regulation from which the applicant seeks relief;

(2) Specification of the proposed mode or modes of transportation;

(3) A detailed description of the proposed exemption (e.g., alternative packaging, test, procedure or activity) including, as appropriate, written descriptions, drawings, flow charts, plans and other supporting documents;

(4) A specification of the proposed duration or schedule of events for which the exemption is sought;

(5) A statement outlining the applicant's basis for seeking relief from compliance with the specified regulations and, if the exemption is requested for a fixed period, a description of how compliance will be achieved at the end of that period;